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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,036	08/04/2003	Katsuhito Yoshio	03500.017480.	4700
5514	7590	04/11/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			SAJOUS, WESNER	
			ART UNIT	PAPER NUMBER
			2628	

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/633,036	Applicant(s) YOSHIO ET AL.	
	Examiner Sajous Wesner	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/23/06</u> <u>1-6-27-05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to the amendment and response dated June 27, 2005. Claims 1-10 are presented for examination.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/23/06 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-3, 5, 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russon (20040001107) in view of Ota (US 6437797).

Considering claim 1, Russon discloses determining (24, fig. 1) an image processing parameter by moving a thumbnail image (50, fig. 2) displayed on the map (e.g., *interface display 52*) representing the color space to the indicated arbitrary position on the map; and displaying the thumbnail image which has been subjected to image processing (e.g., *dragged and dropped*), at the position after the movement (e.g., *relocating the thumbnail image to a most-recently accessed image location, and then displays the thumbnail image on the display interface at that location. See paragraphs 16 and 24*). As per the map (or display interface) representing a color space clause as recited in the claim, the Examiner takes notice that such a color space representation would have been an obvious design choice since the concept of representing a map or a display surface as a color space is notoriously well known in the art of image processing. Also, because the applicant has not disclosed that utilizing a map that is represented in color space itself solves any stated problem, it appears the image processing would perform equally well using a display surface or a map representing a color space itself.

Russon fails to specifically describe the steps of indicating an arbitrary position on a map representing a color space; and performing an image processing, [corresponding to an arbitrary position to which the thumbnail image has been moved], on the thumbnail image based on its new position on the map that reflects the thumbnail image which has been positioned.

Ota discloses indicating (e.g., via marker 66A or button 64 G of fig. 9) an arbitrary position (e.g., display position or capturing place) on a map (66) representing a color space (see col. 5, lines 53-61); and performing an image processing, [corresponding to

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an arbitrary position to which the thumbnail image has been moved], on the thumbnail image based on its new position on the map that reflects the thumbnail image at the appropriate position or location. See col. 5, line 62 through col. 6, line 16, and col. 6, line 55-65.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Russon to include performing an image processing on the thumbnail image based on its new position on the display, in the same conventional manner as taught by Ota; in order to easily recognize the location of captured images with reference to the respective, thumbnail which are displayed on the digital map; and to allow the user to easily produce a desired album. See Ota's col. 7, lines 55-60.

As per claim 2, Russon discloses the movement of the image is performed by a drag of the image, or an indication of a symbol being adjacent to the map. See paragraph 24.

As per claims 3 and 5, Hagiuda discloses the image processing parameter is finely adjusted by indicating a symbol that includes a button or a thumbnail image (e.g., thumbnail image button C, as depicted by fig. 10 and/or fig. 11).

Regarding claim 7, although Russon does not specifically disclose that the map (e.g., *interface display 52*) is moved to move the image; it is noted, however, that it would have been an obvious matter of design choice to modify Russon to move the image by moving the display interface, since applicant has not disclosed that moving the map instead of moving the image itself solves any stated problem and it appears the

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image processing (24 of Russon) would perform equally well to move the image by dragging the image itself. See Russon's paragraph 24.

Regarding claims 8-10, these claims contain features that are analogous to and include the equivalent features as recited in claim 1. This being the case, the limitations of claim 8-10 are rejected under the same rationale set forth above for claim 1.

5. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russon (20040001107) in view of Ota (US 6437797), as applied to claim 1, and further in view of Miyashita (US 6041543).

Re claim 4, Russon and Ota fail to teach adjusting at least either brightness or contrast of the image, wherein the image processing parameter includes adjusted results of the brightness and the contrast of the image.

Miyashita discloses adjusting at least either brightness or contrast of the image, wherein the image processing parameter includes adjusted results of the brightness and the contrast of the image (see line 50 of column 3 to line 38 of column 4 and lines 14-63 of column 9 and Fig. 8-10 and 25-27; it is noted that when user moves the reference circle, the contrast and intensity of the image are modified accordingly).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Russon and Ota to include adjusting at least either brightness or contrast of the image, wherein the image processing parameter includes adjusted results of the brightness and the contrast of the

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image, in the same conventional manner as taught by Hagiuda; in order to allow the user to conjecture changes in the color image visually and make color corrections easily and quickly. See Miyashita's col. 2, lines 1-5.

Regarding claim 6, Russon and Ota fails to teach a map that represents a range in which color adjustment can be performed, and the position of the image represents a state of the color adjustment.

Miyashita discloses a map (e.g., a Lab color space) that represents a range in which color adjustment can be performed, and the position of the image represents a state of the color adjustment (see line 54 of column 3 to line 38 of column 4, lines 1-30 of column 6, lines 19-27 of column 14 and lines 24-32 of column 15 and fig. 8- 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Russon and Ota to include a map that represents a range in which color adjustment can be performed, and the position of the image represents a state of the color adjustment, in the same conventional manner as taught by Hagiuda; in order to allow the user to conjecture changes in the color image visually and make color corrections easily and quickly. See Miyashita's col. 2, lines 1-5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajous Wesner whose telephone number is 571-272-

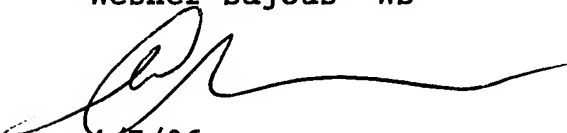
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7791. The examiner can normally be reached on Mondays thru Fridays between 11:00 AM and 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wesner Sajous -WS-



4/7/06